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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/786,833	06/18/2001	Ewald Karl Michael Guenther	1240612001	6094

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EXAMINER

ANDUJAR, LEONARDO

ART UNIT PAPER NUMBER

2826

DATE MAILED: 10/22/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/786,833

Applicant(s)

GUENTHER ET AL.

Examiner

Leonardo Andújar

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-81 is/are pending in the application.
- 4a) Of the above claim(s) 18-30 and 51-81 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-50 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 1.

- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

**DETAILED ACTION**

***Election/Restrictions***

1. Applicant's election without traverse of Group I (claims 1-50) in Paper No. 8 is acknowledged.

***Claim Objections***

2. Claims 18-30 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim 17. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:  

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 1, 5, 7, 32, 36, 37, 40, 41, 42, 45, 46, 47 and 49 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
5. Regarding claim 1, it is not clear if the "device" claimed in of line 6 is the same "device" of line 1. The device claimed in line 1 includes the first laminate whereas the device of line 6 does not include the first laminate. Note that the first laminate encapsulates "the device".
6. Claim 5 recites the limitation "the substrate material" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.
7. Claim 7 recites the limitation "the substrate material" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.

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8. Claim 32 recites the limitation "the laminates" in line 1. There is insufficient antecedent basis for this limitation in the claim
9. Regarding claims 33, the term "mechanical integrity" is not clearly defined in the claim renders claim 33 indefinite. Also, the term "sufficient" in claim 33 is a relative term which renders the claim indefinite. The term "sufficient" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably appraised of the scope of the invention. Also, it is not clear what applicant means by "during the process".
10. Regarding claim 36, the term "good" is a relative term which renders the claim indefinite. The term "good" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably appraised of the scope of the invention.
11. Regarding claim 37, the terminology "a temperature which damage the device" which is not clearly defined in the claim renders claim 37 indefinite.
12. Regarding claim 40, it is not clear if the how aluminum may comprises other materials such as silicon monoxide , silicon oxide, etc.
13. Regarding claim 41, the term "good" is a relative term which renders the claim indefinite. The term "good" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably appraised of the scope of the invention.
14. Regarding claim 42, the terminology "a temperature which damage the device" is not clearly defined in the claim renders claim 37 indefinite.

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15. Claim 45 recites the limitation "the laminates" in line 1. There is insufficient antecedent basis for this limitation in the claim

16. Regarding claims 46, the term mechanically integrity is not clearly defined in the claim rendering claim 46 indefinite. The term "sufficient" in claim 46 is a relative term which renders the claim indefinite. The term "sufficient" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably appraised of the scope of the invention.

17. Regarding claim 47, the term "good" is a relative term which renders the claim indefinite. The term "good" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably appraised of the scope of the invention

18. Regarding claim 49, the term "good" is a relative term which renders the claim indefinite. The term "good" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably appraised of the scope of the invention.

***Claim Rejections - 35 USC § 102***

19. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

20. The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

21. Claims 1-17 and 31-50 are rejected under 35 U.S.C. 102(e) as being anticipated by Affinito (US 6,268,695)

22. Regarding claim 1 (as understood), Affinito (e.g. fig. 2) shows a device comprising:

- A substrate (e.g. the layers 136 and 134 which are located in the region 110);
- An active component 16 formed on a top surface of the substrate;
- And a first laminate (e.g. the layer 140 which is located in the region 120) over the top surface of the substrate, encapsulating the device (the substrate and the active component).

23. Regarding claim 2, Affinito shows that the device comprises an OLED device (abstract).

24. Regarding claim 3, Affinito shows that the substrate supports the active component.

25. Regarding claims 4 and 5 (as understood), Affinito shows that the substrate comprises a polymer layer 136. This layer can be made of polyethylene terephthalate

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"PET" (col. 3/lls. 51-53). Moreover, Affinito discloses that PET is a flexible material (col. 47-49).

26. Regarding claims 6, 7 (as understood), 8 and 9, Affinito shows that the substrate comprises a polymer layer 136. This layer can be made of polyethylene terephthalate "PET" (col. 3/lls. 51-53). Moreover, Affinito discloses that PET is a flexible material (col. 47-49). Although Affinito does not explicitly disclose that PET is a transparent material, this is an inherent property of the polyethylene terephthalate (see US 5,022,554, col. 2/lls. 52-56 and US 5,781,169, col. 3/ lls. 26-30). Therefore, Affinito discloses a substrate which comprises a transparent and flexible material.

27. Regarding claim 10, Affinito shows that the substrate support the active component.

28. Regarding claims 11 and 12, Affinito shows that the substrate comprises a polymer layer 136 that can be made from polyethylene terephthalate "PET" (col. 3/lls. 51-53). Moreover, Affinito discloses that PET is a flexible material (col. 47-49).

29. Regarding claims 13, 14, 15 and 16, Affinito shows that the substrate comprises a polymer layer 136 that can be made of polyethylene terephthalate "PET" (col. 3/lls. 51-53). Moreover, Affinito discloses that PET is a flexible material (col. 47-49). Although Affinito does not explicitly disclose that PET is a transparent material, this is an inherent property of the polyethylene terephthalate (see US 5,022,554, col. 2/lls. 52-56 and US 5,781,169, col. 3/ lls. 26-30). Therefore, Affinito discloses a substrate that comprises a transparent and flexible material.

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30. Regarding claim 17, Affinito shows a second laminated 140 on the bottom surface of the substrate. The second laminated 140 comprise a polymer layer 142 that can be made of polyethylene terephthalate "PET" (col. 3/lls. 51-53). Moreover, Affinito discloses that PET is a flexible material (col. 47-49). Although Affinito does not explicitly disclose that PET is a transparent material, this is an inherent property of the polyethylene terephthalate (see US 5,022,554, col. 2/lls. 52-56 and US 5,781,169, col. 3/lls. 26-30). Therefore, Affinito discloses a second laminated substrate that comprises a transparent and flexible material.

31. Regarding claim 31, Affinito shows a second laminated (132, 144, 142) on the bottom surface of the substrate.

32. Regarding claim 32 (as understood), Affinito shows that the first and second laminate comprises a laminated substrate and a sealant on a surface of the laminated substrate and in contact the device. In the instant case, the layers 132 and 144 of the region 120 are recognized as the laminated substrate of the first laminate whereas the layer 142 of the region 120 is recognized as the sealant of the first laminated. The layers 142 and 144 of the region 110 are recognized as the laminated substrate of the second laminate whereas the layer 132 of the region 110 is recognized as the sealant of the second laminate.

33. Regarding claims 33 (as understood), 34 and 35, Affinito discloses that the laminated substrate (e.g. 132 of the region 120 and 142 of the region 110) may comprise a plastic material such as polyethylene terephthalate "PET" (col. 3/lls. 51-53).



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34. Regarding claims 36 (as understood), Affinito discloses that the sealant may comprise a plastic material such as polyethylene terephthalate "PET" (col. 3/lis. 51-53). Moreover, PET as other plastics materials, inherently has an activation temperature. By definition the activation temperature causes the material to flow. As shown in figure 2, the sealant layers seal the laminate and the device.

35. Regarding claim 37 (as understood), Affinito shows that the sealant may comprises PET. Moreover, PET as other plastics materials, inherently has an activation temperature

36. Regarding claims 38, 39 and 40 (as understood), Affinito discloses that the laminate comprises a barrier layer 144 made from a dielectric material such as silicon oxide (col. 3/lis. 54-65). Although Affinito does not explicitly disclose that that barrier layer inhibits the diffusion of air or moisture this is an inherent property of the silicon oxide layer 144.

37. Regarding claim 41 (as understood), Affinito discloses that the sealant may comprise a plastic material such as polyethylene terephthalate "PET" (col. 3/lis. 51-53). Moreover, PET as other plastics materials, inherently has an activation temperature. By definition the activation temperature causes the material to flow. As shown in figure 2, the sealant layers seal the laminate and the device.

38. Regarding claim 42 (as understood), Affinito shows that the sealant may comprises PET. Moreover, PET as other plastics materials, inherently has an activation temperature

39. Regarding claim 43 and 44, Affinito discloses that the laminate comprises a barrier layer 144 made from a dielectric material such as silicon oxide (col. 3/lis. 54-65). Although Affinito does not explicitly recite that that barrier layer inhibits the diffusion of air or moisture this is an inherent property of the silicon oxide layer 144.

40. Regarding claim 45 (as understood), Affinito shows that the first laminate 140 comprises a laminated substrate (132, 144) and a sealant 142 on a surface of the laminated substrate and in contact the device.

41. Regarding claim 46 (as understood), Affinito shows that the first laminate substrate can be made from different materials such as PET and silicon oxide (col. 3/lis. 26-65). Moreover, Affinito discloses that some mechanical characteristics are maintained during the process (col. 2/lis. 27-34).

42. Regarding claim 47 (as understood), Affinito discloses that the sealant may comprise a plastic material such as polyethylene terephthalate "PET" (col. 3/lis. 51-53). Moreover, PET as other plastics materials, inherently has an activation temperature. By definition the activation temperature causes the material to flow.

43. Regarding claim 48, Affinito discloses that the laminate comprises a barrier layer 144 made from a dielectric material such as silicon oxide (col. 3/lis. 54-65). Although Affinito does not explicitly recite that that barrier layer inhibits the diffusion of air or moisture this is an inherent property of the silicon oxide layer 144.

44. Regarding claim 49 (as understood), Affinito shows that the sealant may comprises PET. Moreover, PET as other plastics materials, inherently has an activation temperature.

45. Regarding claim 50, Affinito discloses that the laminate comprises a barrier layer 144 made from a dielectric material such as silicon oxide (col. 3/lis. 54-65). Although Affinito does not explicitly recite that that barrier layer inhibits the diffusion of air or moisture this is an inherent property of the silicon oxide layer 144.

### **Conclusion**

46. Papers related to this application may be submitted directly to Art Unit 2826 by facsimile transmission. Papers should be faxed to Art Unit 2826 via the Art Unit 2826 Fax Center located in Crystal Plaza 4, room 3C23. The faxing of such papers must conform to the notice published in the Official Gazette, 1096 OG 30 (15 November 1989). The Art Unit 2826 Fax Center number is **(703) 308-7722** or **-7724**. The Art Unit 2826 Fax Center is to be used only for papers related to Art Unit 2826 applications.

47. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Leonardo Andújar** at **(703) 308-0080** and between the hours of 9:00 AM to 7:30 PM (Eastern Standard Time) Monday through Thursday or by e-mail via [Leonardo.Andujar@uspto.gov](mailto:Leonardo.Andujar@uspto.gov). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn, can be reached on (703) 308-6601.

48. Any inquiry of a general nature or relating to the status of this application should be directed to the **Group 2800 Receptionist** at **(703) 305-3900**.

49. The following list is the Examiner's field of search for the present Office Action:

Field of Search	Date
	10/02

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U.S. Class / Subclass (es): 257/691	
Other Documentation:	
Electronic Database(s): East (USPAT, US PGPUB, JPO, EPO, Derwent, IBM TDB)	10/02

**Leonardo Andújar**

Patent Examiner Art Unit 2826

LA  
10/15/02

  
HETSUM ABRAHAM  
PRIMARY EXAMINER